

COCONINO COUNTY, ARIZONA

ZONING ORDINANCE

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COCONINO COUNTY ADOPTING THE ZONING ORDINANCE OF THE COUNTY OF COCONINO SETTING FORTH NEW PROVISIONS ESTABLISHING LAND USE CLASSIFICATIONS; DIVIDING THE COUNTY INTO ZONES; ADOPTING A MAP OF SAID LAND USE ZONES; IMPOSING REGULATIONS FOR THE PROMOTION OF HEALTH, SAFETY, CONVENIENCE AND GENERAL WELFARE; CONCERNING THE USE OF LAND FOR RESIDENTIAL AND NON-RESIDENTIAL PURPOSES; REGULATING AND LIMITING THE HEIGHT AND BULK OF BUILDINGS AND OTHER STRUCTURES; LIMITING LOT OCCUPANCY AND THE SIZE OF YARDS AND OTHER OPEN SPACES; ESTABLISHING STANDARDS OF PERFORMANCE AND DESIGN; PRESCRIBING PROCEDURES FOR CHANGES OF ZONE; CONDITIONAL USE PERMITS, VARIANCES, OR OTHER PERMITS; PRESCRIBING PENALTIES FOR VIOLATIONS OF SAID ORDINANCE; AND, REPEALING THE PREVIOUS ZONING ORDINANCE AS ADOPTED JUNE 3, 1974 WITH ALL SUBSEQUENT AMENDMENTS THERETO.

THE BOARD OF SUPERVISORS OF COCONINO COUNTY DOES ORDAIN THAT THE ZONING ORDINANCE OF THE COUNTY OF COCONINO IS HEREBY ADOPTED TO READ AS FOLLOWS:

SECTION 1: PURPOSE AND SCOPE

Section 1.1: For the purpose of implementing the goals, objectives and policies of the Coconino County Comprehensive Plan, to promote and protect the public health, safety, convenience and general welfare of the people of the County of Coconino, to safeguard and enhance the appearance and quality of development of Coconino County, and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources, a Zoning Ordinance establishing classifications of Zones, and regulations within those Zones hereby is established and adopted by the Board of Supervisors.

SECTION 2: PRIVATE AGREEMENTS

Section 2.1: The provisions of this Ordinance are not intended to abrogate any Easements, covenants, or other existing agreements which are more restrictive than the provisions of this Ordinance.

SECTION 3: CONFLICTING ORDINANCES AND REGULATIONS

Section 3.1: Conflicting Ordinances

- A. Whenever the provisions of this Ordinance impose more restrictive regulations upon Buildings or Structures and the Use of them or the Use of lands or premises and require larger open space or Setbacks than are imposed or required by other ordinances, the provisions of this Ordinance or rules or regulations promulgated thereunder shall govern.

Section 3.2: Conflicting Regulations

- A. **In the event of conflict between the regulations set forth in this Ordinance and any other regulations applicable to the same area, the more stringent limitation and requirement shall govern.**

SECTION 4: ESTABLISHMENT OF ZONES

Section 4.1: Division of County into Zones

- A. In order to classify, regulate, restrict and separate the Use of land, Buildings and Structures and to regulate and to limit the type, height, and bulk of Buildings and Structures in the various districts and to regulate Setbacks and other open areas Abutting and between Buildings and Structures and to regulate the density of development, the County hereby is divided into the following zones:
1. General, Agricultural, and Rural Residential Zones
 - a. G General Zone
 - b. AR Agricultural Residential Zone
 - c. RR Rural Residential Zone
 2. Residential Zones
 - a. RS-6,000 Residential Single Family Zone
 - b. RS-10,000 Residential Single Family Zone
 - c. RS-18,000 Residential Single Family Zone
 - d. RS-36,000 Residential Single Family Zone
 - e. RM-10/A Residential Multiple Family Zone

- f. RM-20/A Residential Multiple Family Zone
- 3. Commercial Zones
 - a. CN-2/A Commercial Neighborhood Zone
 - b. CG-10,000 Commercial General Zone
 - c. CH-10,000 Commercial Heavy Zone
- 4. Industrial Zones
 - a. MP-20,000 Industrial Park Zone
 - b. M-1-10,000 Light Industrial Zone
 - c. M-2-6,000 Heavy Industrial Zone
- 5. Special Purpose Zones
 - a. MHP Manufactured Home Park Zone
 - b. PRD Planned Residential Development
 - c. PC Planned Community Zone
 - d. PS Public and Semi-Public Zone
 - e. OS Open Space and Conservation Zone
 - f. RC Resort Commercial Zone
 - g. P Parking Zone
 - h. MR Mineral Resource Zone
 - i. RMH Residential and Manufactured Home Zone
- 6. Overlay Zones
 - a. FPM Floodplain Management Overlay Zone
 - b. DRO Design Review Overlay Zone

Section 4.2: Adoption of Zones - Maps

- A. Said several zones and boundaries of said zones and each of them hereby are established and adopted as shown, delineated and designated on the “Official Zoning Maps” of the County of Coconino, Arizona, which maps, together with all notations, references, data, Zone boundaries and other information thereon, is made a part hereof and adopted concurrently herewith.

Section 4.3: Filing

- A. The originals of the Official Zoning Maps shall be kept on file with the Department of Community Development and shall constitute the original record.

SECTION 5: EFFECTS OF ZONING

Section 5.1: Application of Provisions

- A. The provisions of this Ordinance governing the Use of land, Buildings and Structures, Setbacks Abutting Buildings and Structures, the height and bulk of Buildings, the density of development, the number of Dwelling units per acre, standards of performance and other provisions hereby are declared to be in effect upon all land

included with the boundaries of each and every Zone established by this Ordinance.
Any violation of the performance standards listed in this ordinance is a nuisance per se.

Section 5.2: Buildings under Construction

- A. Any Building or Structure for which a Building Permit has been issued and which is still valid under the provisions of earlier ordinances of the County which are in conflict with this Ordinance nevertheless may be continued and completed in accordance with the plans and specifications upon which the permit was issued.

SECTION 6: SEVERABILITY

Section 6.1: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or places. The Board of Supervisors hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions, or the application thereof to any person or place, be declared invalid or unconstitutional.

SECTION 7: STATUTORY EXEMPTIONS

Section 7.1: Railroad, Mining, Metallurgical, Grazing or General Agriculture

- A. Pursuant to A.R.S. § 11-812(A)(2) and (3) nothing contained in this Ordinance shall prevent, restrict or otherwise regulate the Use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general Agricultural purposes including Agricultural Composting, if the parcel concerned is five or more contiguous Commercial Acres (35,000 square feet) in size.
- B. Property is not considered exempt from this Ordinance unless and until the Coconino County Community Development Department issues a Certificate of Exemption for that property. Only property eligible for agricultural classification for tax purposes by the Arizona Department of Revenue, based on criteria established in the Department of Revenue Agricultural Manual, is eligible for grazing or general Agricultural exemptions. The Community Development Director may determine that all or part of the property is not used primarily for one or more of the purposes enumerated above.
- C. In order to secure a Certificate of Exemption, an application must be submitted on the form prescribed by the Community Development Department. The application must be accompanied by the following: evidence of agricultural classification by the Coconino County Assessor's Office or the Arizona Department of Revenue, a Site Plan, grazing leases, if any, and other documentation indicating the use of the property for Exempt

Agricultural Use as may be required by the Director of the Community Development Department. The Community Development Department will review the application for administrative completeness within 10 days after submission. The Department will have 30 days after administrative completeness to conduct its substantive review of the application. The total time for the granting or denying of the Certificate of Exemption is 40 days. Time frames are tolled and may be waived in accordance with A.R.S. §11-1601 et seq.

- D. Exempt status is open to review by the Coconino County Community Development Department and may be cancelled at any time upon a determination by the Director that the property is no longer being used for an exempt purpose. Any Structures built under an exemption that does not meet the underlying Zoning district may be required to comply with said standards if, at a future date, the exemption is no longer applicable. The denial of a Certificate of Exemption may be appealed to the Board of Supervisors subject the provisions of Section 30.7 of this Ordinance.

Section 7.2: Agricultural Composting

- A. Pursuant to A.R.S. § 11-812 nothing contained in this Ordinance shall prevent, restrict or otherwise regulate the Use or occupation of land or improvements for Agricultural Composting, if the tract is five or more contiguous Commercial Acres. An Agricultural Composting operation shall notify in writing the Board of Supervisors and the nearest fire department of the location of the composting operation. If the nearest fire department is located in a city, town or fire district where the Agricultural Composting is not located, the Agricultural Composting operation shall also notify in writing the fire district in which the operation is located.

Section 7.3: Sale of food by Producers

- A. **Pursuant to A.R.S. § 3-561 to 3-563 nothing contained in this Ordinance shall prevent or restrict a producer of food from selling products raised on grown on the same property.**

SECTION 8: FEES

Section 8.1: All applications for permits in relation to this Ordinance shall be accompanied by a fee established by resolution of the Board of Supervisors.

SECTION 9: COMPUTATION OF TIME

Section 9.1: Deadlines are calculated according to the Arizona Rules of Civil Procedure. (All deadlines of 10 days or less are based upon business days, 11 or more are calendar days. The first day is not counted, but the last day is counted.

SECTION 10: RELATIONSHIP TO OTHER POLICIES AND REGULATIONS

PLANS, ORDINANCES, AND STATUTORY CHANGES

Section 10.1: Other Plans and Ordinances

- A. The Coconino County Comprehensive Plan is the over-arching policy document for land-use decisions within the County. Area plans for communities within the County have been adopted as amendments to the Comprehensive Plan and provide more specific policies for each area. The Zoning and Subdivision Ordinances are used to implement the Comprehensive Plan and its amendments. The adopted Building Code sets the minimum standards for all construction within the County.

Section 10.2: Statutory Changes

- A. The statutory citations are those in effect on the date of adoption of this Ordinance amendment. All subsequent amendments to the Arizona Revised Statutes shall be incorporated.

SECTION 11: PERMIT REQUIREMENTS REQUIRED

Section 11.1: Zoning Compliance Review

- A. Zoning compliance review is completed in conjunction with each of the following permits:
 - 1. Building Permits
 - a. A Building Permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration, relocation or change in use of any Building or other Structure.
 - 2. Floodplain Permits
 - a. **A Floodplain Permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration, relocation or change in use of any Building or other Structure.**
 - 3. Other Permits
 - a. All other permits, as required by this Ordinance, including but not limited to Sign Permits, Lighting Permits, Conditional Use Permits and Temporary Use Permits shall be obtained prior to the installation, construction, reconstruction, alteration, relocation, or initiation of the permitted feature.

Section 11.2: Permit Applicants

- A. All applications for permits must be signed by the owner of the property that the permit pertains to. If there are several persons or entities with land-based interests in the property such as tenants, easement-holders or holders of a mortgage or note, the

Director, in his or her sole discretion, determines which land-interest holders must sign the permit application. The applicant shall be the proponent of the project or the property owner, but must be the party responsible for meeting the conditions of the permit.

SECTION 12: -15 RESERVED FOR FUTURE AMENDMENTS
